FOR MYSORE STATE

4-1-53.

RURAL WELFARE (1952) Department.

MS SERIES.

M

G.O. NO. 1390

Dated 24-12-1952

Passed & Supl

[Despatch Abstract.]

Harijan Welfare - Education - Bellary Dt. - Sri K. Mahadevappa, H.W. school teacher - Condonation of break in service - Orders issued.

63607

From
Sri R.S. Malayappan, B.A.,
Director of Harijan Welfare,
Egmore, Madras. 8.

To
The Secretary to Government,
Rural Welfare Department,
Madras.

ASSISTANT SECRETARY TO GOVERNMENT
24 SEP 1952
RURAL WELFARE DEPARTMENT

ADDITIONAL ASST. SECRETARY TO GOVERNMENT
24 SEP 1952
RURAL WELFARE DEPARTMENT

G4-44578/51, dated 20-9-52.

Sir,

Sub: Harijan Welfare Department-Education-Bellary Dt.-Sri K. Mahadevappa-Teacher-Condonation of break of service.

Ref: 1. G.O.Ms.No.627, R.W., dated 20-6-51.
2. Letters No.14453/49,-d/ 15-12-51 and 18-3-52, from the Collector of Bellary.

In the G.O. first cited, Government were pleased to relax the provisions contained in Note I under F.R.26(a) in favour of Sri K. Mahadevappa, Harijan Welfare School teacher, Bellary Dt. to enable him to count the period of break in his service from 25-8-45 to 18-12-46 as extra-ordinary leave without pay subject to the condition that the condonation in break in service would not adversely affect the seniority of SR$.K.M. Kalivarayya, his next junior.

The Collector of Bellary has, in his letters cited (copies enclosed) has now reported that Sri Mahadevappa, was reappointed as a teacher on 18-12-46. He was, however, ousted from service on 30-1-47 by the then Dt. Labour Officer as he reappointed him without knowing the fact that the teacher tendered his resignation and that it was accepted by his predecessor. The teacher was again reappointed on 8-5-47 and there was thus a second break in the service for this teacher from 30-1-47 to 7-5-47. The Collector has reported that unless the second break in service now referred to is also condoned by relaxing the relevant rules and the period is treated as extraordinary leave without pay, the incumbent will not derive any benefit from the relaxation of rules ordered in the G.O. cited.

In the above circumstances, I agree with the Collector and recommend that the Government may be pleased to relax the note under F.R.26(a) in order to enable the period of absence from 30-1-47 to 7-5-47 also to be treated as extraordinary leave without allowances. The Collector has also assured that such a condonation will not affect the seniority of any other teacher in his district adversely. The service register of the teacher is enclosed herewith for information and return.

I request that early orders may be passed in this case.

R. S. Malayappan,
Director of Harijan Welfare.

for Director of Harijan Welfare.

Copy of letter Ref.C.14453/49, dated 15-12-51 from the Collector of Bellary.

Sub: Harijan Welfare-Education-Bellary Dt.-Sri K. Mahadevappa Harijan Welfare school teacher condonation of break of service-Further report submitted.

p.t.o.

Ref: G.O.Ms.No.627 R.W.D. d/ 20-6-51 and this Office Ref.C.No.14453/49, d/ 3-1-51.

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Government in their order cited above have condoned the break of service of the teacher Sri K. Mahadevappa from 25-8-45 to 18-12-46. After his resignation he was again appointed as a teacher from 18-12-46 to 29-1-47. He was however ousted from 30-1-47. But on reconsideration he was appointed as a teacher for the second time from 8-5-47 from which date he has been continuing. The break of service from 30-1-47 to 7-5-47 was not noticed when the first reference C.No.14473/49 L.1 dated 3-1-51 was made to you.

The pay of the teacher cannot be refixed in the revised scale of pay from 1-1-47 unless the second of break of service is also condoned. The condonation of the ~~fixk~~ first break of service is of no benefit to him unless the second of break of service is also condoned. In these circumstance I recommend that the second break of service from 30-1-47 to 7-5-47 may be treated as extraordinary leave without pay.

/True copy/

Copy of letter Ref.No.14453/49 L.2, dated 18-3-52 from the Collector of Bellary.

Sub: Harijan Welfare Department-Education-Bellary Dt.-Sri K. Mahadevappa-Harijan Welfare school teacher condition of break of service-Further particulars furnished.

Ref: Your No.G4-44578/51 D/ 5-1-52.

Sri K. Mahadevappa Harijan Welfare school teacher was ousted for the reasons that ~~x~~ he had once resigned his post. He was not ousted on the ground that he was the junior most. There were several juniors to him during the period for 30-1-47 to 7-5-47. His services were terminated as he had resigned. No senior teacher to Sri K. Mahadevappa will be adversly affected by condoning his break of service. The service register of the individual is herewith sent for perusal.

/True copy/

for Director of Harijan Welfare.

RW D IV

T.N.No. 63807 RW IV /52-1 Dt. 13.X.52

From The Supdt., RW IV
The ~~Asst. Secretary to~~ Govt.

To The P.A. to the Hon'ble Minister for Public Works, Madras.

RW D.

Sub: Hon'ble Minr — Bellary Dt. — Shri K. Mahadevappa, Teacher — condonation of break in service — Reg.

Ref. Govt. letter G.O. 445 & 51 Dt. 10.9.52.

Please send the Service Register of Shri K. Mahadevappa referred to in para 3 of the letter cited for reference as the same has not been received with the letter.

Dy. S.E. 1980

Dt. 10/X 15-2-80.

Received

(Non pool up)

Separate Cy

Dt. 13/X

By Registered Post

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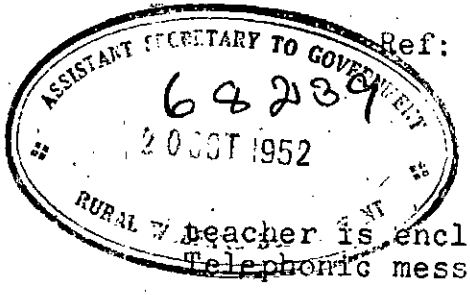
From
Sri R.S.Malayappan,B.A.,
Director of Harijan Welfare,
Egmore, Madras.

To
The Assistant Secretary to Government,
Rural Welfare Department,
Fort St.George, Madras.

G4-44578/51 dated 13-10-1952.

Sir,

Sub: Harijan Welfare Department- Education
Bellary Dt. Sri K.Mahadevappa- Teacher
Condonation of break in service.
Ref: Govt.T.M. No.63607 R.W.IV/52 d/13-10-'52.



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The Service Register of Sri K.Mahadevappa, ~~teacher~~ (Helper-Gardener) is enclosed as called for by the Government in their ~~Telephonic~~ message cited.

pr.13.10. 14/10/52

14.10.52

for Director of Harijan Welfare.

R.W. Dept.(IV)

Abstract

Harijan Welfare - Education - Bellary Dt. - Sri K. Mahadevappa, H.W. School Teacher - ~~Arrears of pay and~~ Condonation of break in service - Orders issued.

Read again:- G.O.Ms.No.627, R.W., d/20-6-51.

Read also:- From the D.H.W., Lr.No.G.4.44578/51, d/19-9-52.

ORDER / Ms NO. 1390 R.W., dated 24-12-52.

In modification of the orders issued in paragraph 1 of G.O.Ms.No.627, Rural Welfare, dated 20-6-1951, the Governor of Madras, under the rule published with the Public (Services) Dept. Notification No.16 dated 26-1-1950 at page 272 of Part I of the Fort St.George Gazette, dated 17-2-1950, relaxes the provisions contained in Note I under F.R. 26(a) and rule 23(ii) of the Madras Leave Rules, 1933, in favour of Sri K. Mahadevappa, Harijan Welfare School Teacher, Bellary Dt. in order to enable him to count the periods of break in his service from 25-8-1945 to 18-12-1946 and 30-1-1947 to 7-5-1947 as extraordinary leave without pay, subject to the condition that the condonation of the above breaks of service will not adversely affect the seniority of Sri K.M. Kalivarayya, his next junior, confirmed as teacher on 2-2-1946.

To

The D.H.W., Madras.

" The A.G., thro' Fin.

The Collr. of Bellary (with S.R.)

S.Cs.2

Rural Welfare Dept.(IV)

Sub: H.W. - Edn. - Bellary Dt. - Sri K.Mahadevappa, H.W. school teacher - Condonation of break in service.

Ref: From the D.H.W., G.4.44578/51, d/10-9-52.

The D.H.W's letter with the enclosures at pp.1-2 c.f. may be perused.

2. In G.O.No.627, R.W., d/20-6-51, orders were issued relaxing ~~the~~ the provisions in Note I under F.R.26(a) in favour of Sri K. Mahadevappa, H.W. school teacher, Bellary Dt. to enable him to count the period of break in his service from 25-8-45 to 18-12-46 as extraordinary leave without pay subject to the condition that the condonation of his break in service would not adversely affect the seniority of his next junior who was confirmed on 2.2.46. The Collr. of Bellary has now reported that the teacher Sri Mahadevappa though reappointed as a teacher on 18-12-46 was again ousted on 30-1-47 on the ground that he resigned his post and reappointed on reconsideration as a teacher with effect from 8-5-47. The Collr. has now reported that unless the second break in service of the teacher from 30-1-47 to 7-5-47 is also condoned by treating the period as extraordinary leave without pay the relaxation already given in the G.O. at (L) will not be of any use to the teacher and the pay of the teacher cannot be refixed in the revised scale of pay from 1.1.47. The Collr. recommends that the break in service may be condoned. The D.H.W. has also supported the recommendation of the Collr. It has also been stated that no teacher senior to Sri Mahadevappa will be adversely affected by condoning the second break in service of the teacher from 30-1-47 to 7-5-47.

3. According to orders issued in G.O.Ms.959 Fin. d/2-8-52 a non-permanent Govt. servant in superior service may be granted extraordinary leave upto a limit of 6 months at any one time. It would appear

P.T.O.

that under the above orders the Collr. of Bellary himself can treat the period in question as leave and sanction extraordinary leave without allowances to the teacher from 30-1-47 to 7-5-47. Finance may see for remarks whether the Collr. may be informed accordingly.

23/X/52 23/10/52

24.10.52

Fin (Estt.)

The orders in G.O 915-9 Fin W 2.8.52 take effect from the date of the order & have no retrospective effect. If the period of break of the teacher from 30.1.47 to 7.5.47 is to be condoned by the grant of extraordinary leave, M.L.R. 23(11) will have to be relaxed in ordering circulation to CS & M(Fin). With the above remarks the case may be returned to RW

RW Dis 080

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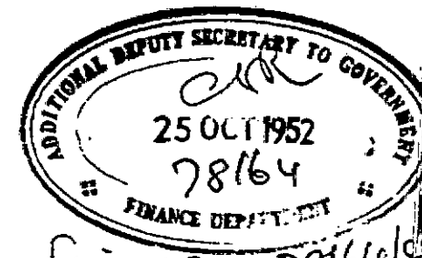
240/X/52

28/X/52

29.X.52



Finance No. 78164/52-1
d 29/10/52

70881

70884

Rural Welfare Dept.(IV)

In G.O.627, R.W., d/20-6-51, orders were issued relaxing the provisions in Note I under F.R.26(a) in favour of Sri K. Mahadevappa, H.W. school teacher, Bellary Dt., to enable him to count the period of break in his service from 25-8-45 to 18-12-46 as extra-ordinary leave without pay subject to the condition that the condonation of his break in service would not adversely affect the seniority of his next junior who was confirmed on 2.2.46. The Collr. of Bellary has now reported that the teacher, Sri Mahadevappa though reappointed as a teacher on 18-12-46 was again

ousted on 30-1-47 on the ground that he resigned his post and reappointed on reconsideration as a teacher with effect from 8-5-47. The Collr. has also reported that unless the second break in service of the teacher from 30-1-47 to 7-5-47 is also condoned by treating the period as extraordinary leave without pay the relaxation already given in the G.O. referred to, will not be of any use to the teacher and the pay of the teacher cannot be refixed in the revised scale of pay from 1.1.47. The Collr. has recommended that the break in service may be condoned. The D.H.W. has also supported the recommendation of the Collr. It has also been stated that no teacher senior to Sri Mahadevappa will be adversely affected by condoning the second break in service of the teacher from 30-1-47 to 7-5-47. Finance have suggested that if the period of break of service of the teacher from 30-1-47 to 7-5-47 is to be condoned by the grant of extraordinary leave the provision in M.L.R.23(ii) will have to be relaxed. It is submitted that originally when the break of service of the teacher from 25-8-45 to 18-12-46, was condoned in G.O.referred to above, the provision in M.L.R.23(ii) was not relaxed. As it is the intention that the breaks of service of the teacher from 25-8-45 to 18-12-46, and 30-1-47 to 7-5-47 should be condoned and the periods treated as extraordinary leave without pay, it would seem desirable that the provisions in Note I under F.R. 26(a) and M.L.R.23(ii) are relaxed to cover both these periods of breaks of service. A consolidated order relaxing the provisions in Note I under F.R. 26(a), and M.L.R.23(ii) may be issued. The draft order below is for approval. Finance may see before circulation to C.S., M.(Edn.) and M.(Fin.). It does not seem necessary

P.T.O.

63607 IV/52
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to circulate the case to C.M.

Con

DRS
11.11.52

Fin

R.W. no. 63607/52-3Rw
4/11/52

Fin

(Previous Fin note and 2 above)
The draft order may be accepted. The case returned to R.W. dept should file. The case need not be circulated to C.M. in view of the recent instructions

14/11/52
R.W.

ADDITIONAL DEPUTY SECRETARY TO GOVT.
83825
12 NOV 1952
FINANCE DEPARTMENT

Fin no 83825 Con/52-1
14.11.52

78365
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Rural welfare dept
IV.

ADDITIONAL ASST. SECRETARY TO GOVT.
15 NOV 1952
RURAL WELFARE DEPARTMENT

The typed notes from page 3 ante, summarize the case. The draft order below has been accepted by Fin. The file may be circulated to C.S., M(Edn) and M(Fin) for approval. ~~of the draft order below.~~

DRS
18.11.52

17.11.52

19/11/52

ADDITIONAL ASST. SECRETARY TO GOVERNMENT
23 DEC 1952
RURAL WELFARE DEPARTMENT

19/11/52

SECRETARY TO GOVERNMENT
23 DEC 1952
RURAL WELFARE DEPARTMENT

M. Edn

M. Fin

Issued as Govt 13502 dt 24.12.52